GENENCOR LEGAL → 17033086916

FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to Fax No: 703-308-6916 to the attention of the John J. Gillon having telephone No.: 703-305-9199 at the Petitioner's Office in/the United States Patent and Trademark Office, Washington, D.C. 20231 on the date shown below.

Date: October 11, 2001

PATENT Docket No. GC372

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Fowler et al. Group Art Unit: --Serial No. 08/876,132 Examiner: Unassigned Filed: June 23, 1997

IMPROVED ENTEROBACTERIACEAE FERMENTATION STRAINS For:

> PETITION UNDER 37 CFR 1.181; 37 CFR 1.137(a); or MPEP 711.02(a)

Assistant Commissioner for Patents Washington, D.C. 20231

PETITIONS OFFICE

Sir:

Applicants believe the above-identified application has been abandoned since December 6, 1997 due to a non-response to a Notice to File Missing Parts dated September 5, 1997. Applicants submit the Notice was not mailed to the correct business mailing address, and therefore Applicants were unable to respond to the Notice. In the past, Applicants submitted two requests to Withdraw the Holding of Abandonment. The first request was submitted on August 24, 1998, and the second request was submitted on April 2, 1999. A postcard returned with the USPTO mailroom date stamp was received in both cases. However, Applicants still have not had a response from the PTO concerning their petition. Applicants are filing this petition to reinstatement the referenced application and are petitioning the Assistant Commissioner to either withdraw the holding of abandonment or in the alternate to revive the above-captioned application which has been unavoidably abandoned.

U.S. Serial No. 08/876,132 Page 2

Applicants filed the above-referenced application on June 23, 1997. The application filing papers included the Applicants current business address (Genencor Inc; 925 Page Mill Road Palo Alto, CA 94304). (Exhibit 1). After a six-week period, no other communication was received from the USPTO in the referenced application. On January 27, 1998 Applicants submitted a Request for Status of the Application. This request was received by the PTO as documented on the returned postcard with the USPTO mailroom date stamp. (Exhibit 2). A response was never received for the status request. On May 13, 1998, our Washington Associates at the time, Landon & Stark, inspected the USPTO prosecution file and found the Notice to File Missing Parts dated September 5, 1997. This Notice was incorrectly sent to Applicants' employers former business address (180 Kimball Way, South San Francisco, CA 94080). (Exhibit 3). The correct business address as originally indicated on the filing papers (Exhibit 1) was 925 Page Mill Road, Palo Alto, CA 94034.

After Applicants became aware of this problem, a Petition to Withdraw the Holding of Abandonment was filed in a timely fashion (dated August 24, 1998). (Exhibit 4). The following documents were also filed with the request: (1) a Request for a corrected Official Filing Receipt; (2) a Change of Address; (3) a Preliminary Amendment with attachments; (4) a Paper Sequence Listing; (5) a Statement of Sameness; (6) an Information Disclosure Statement; (7) PTO-1449 including 11 references; (8) a response to the Notice to Filing Missing Parts including an original signed declaration and fee; and (9) Form 1533. These papers were received in the USPTO on August 27, 1998 as indicated by the USPTO mailroom stamped date on the returned post card. (Exhibit 5).

When Applicants did not receive a further communication from the USPTO, a second Request to Withdraw the Holding of Abandonment was filed on April 2, 1999. (Exhibit 6). This request included a copy all of the documents submitted in the first request. Again the USPTO mailroom's date stamp on the return postcard indicated the documents were received at the USPTO on April 5, 1999. (Exhibit 7).

On August 30, 2000, Applicants' representatives received a telephone call from FAX RECEIVED Ms. Helen Childs at 703-308-4549 indicating all the papers were received in the PETITIONS OFFICE

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U.S. Serial No. 08/876,132 Page 3

Petitioner's office. As of the current date Applicants still have not heard from the Petitioner's office on the request.

Consideration of this petition and reinstatement of the pendency of this application is respectfully requested. If a telephone interview would expedite this matter or if further documentation is requested, the office is invited to contact the undersigned attorney at 650-846-7620.

Respectfully submitted,

Date: October 11, 2001

Registration No. 34,869

Genencor International, Inc. 925 Page Mill Road

Palo Alto, CA 94304 Tel: 650-846-7620 Fax: 650-845-6504

Enclosures:

Exhibit 1 - a copy of the Transmittal for filing the original patent

application.

Exhibit 2 - a copy of the Request for Status of the Application w/ date

stamped returned postcard.

Exhibit 3 - a copy of the Notice to File Missing Parts w/ incorrect address. Exhibit 4 - a copy of the Transmittal letter including Petition to Withdraw

the Holding of Abandonment but wo/other attachments.

Exhibit 5 - a copy of the PTO mailroom date stamped returned post card

for the first request.

Exhibit 6 - a copy of the Transmittal letter including the second Request to Withdraw the Holding of Abandonment including the Petition but

wo/other attachments.

Exhibit 7 - a copy of the PTO mailroom date stamped returned postcard

for the second request.

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U.S. Serial No. 08/876,132 Page 4

EXHIBIT 1

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GENENCOR LEGAL > 17033086916

Docket No. CG372

BOX PATENT APPLICATION Assistant. Commissioner for Patents Washington, DC 20231

Dear Sir:

Dear On.						
Transmitted herewith for filing is the patent application of: Timothy Fowler and Stuart Causey						
For: IMPROVED ENTEROBACTERIACEAE FERMENTATION STRAINS						
Also enclosed are: Solution Statement of Sameness						
The filing	fee has been calcula	ated as shown below:				_
	Claims	Filed	Extra	Rate	Basic Fee \$ 770	
	Total	20 - 20 =	-0-	X \$ 22	-0-	
	Independent Claims	5 - 03 =	2	X \$ 80	\$160	
		Multiple Dependent Cla	im(s)	\$ 250	-0-	
				TOTAL FEE	S \$ 930.00	•
×	Please charge \$ 930.00 to Deposit Account 07-1048. This sheet is submitted in duplicate.					
⊠ :	communication, or credit any overpayment, to Deposit Account 07-1048. This sheet is submitted in duplicate. Any additional fees required under 37 CFR 1.16. Any patent application processing fees under 37 CFR 1.17. The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application, or credit any overpayment, to Deposit Account 07-1048. This sheet is submitted in duplicate.					
Genencor International, Inc. 925 Page Mill Road Palo Alto, CA 94034 415/846-7620 Date: June 23, 1997						

I hereby certify that this correspondence is being deposited with the US Postal Service Express Mail service under 37 CFR 110, Express Mail Label No. EM096172282US addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on the date shown below.

NO.165 D010

U.S. Serial No. 08/876,132 Page 5

EXHIBIT 2

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PETITIONS OFFICE





I hereby certify that this correspondence is being deposited with the US Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents/Washington, D.C. 20231, on the date shown below.

Date:

14:31

January 27, 1998

ky: Kay Govidio

PATENT Docket No. GC372

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

in re A	Application of)	•	
Timothy Fowler et al.) Group Art Ui	nit: Unassigned	
Serial	No. Unknown	, ,		
Filed: June 23, 1997) Examiner: U	nassigned	
For:	Improved <i>Enterobacteriaceae</i> Fermentation Strains)))	FAX RECEIVED	
	5			
	Kequesting &	Status of Application	1CT 1 1 2001	
	ant Commissioner for Patents ngton, DC 20231		PETITIONS OFFICE	

Dear Sir:

On June 23, 1997, the above application was filed in the Patent and Trademark Office via United States Postal Service's Express Mail.

Enclosed please find a copy of the Express Mail Receipt No. EM096172282US dated June 23, 1997, and a copy of the transmittal letter that accompanied the application.

Please provide status of the application.

Respectfully submitted.

Date: January 27, 1998

Debra J. Glaişter

Registration No. 33,888

Genencor International, Inc. 925 Page Mill Road

In re Application of By Debra J. Glaister
Timothy Fowler et al.
Serial No. UNKNOWN Reg. No. 33,888
Filed June 23, 1997 Mailed January 27, 1998
Docket No. GC372 Certificate of Mailing
The following have been received in the US Patent Office
on the date stamped:
Requesting Status of application — Original
Copy of Express Mail receipt
Copy of Transmittal Sheat of the Application

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PETITIONS OFFICE

In re Application of By Debra J. Glaister

Serial No. UNKNOWN Reg. No. 33,888

Filed June 23, 1997 Mailed January 27, 1998

Docket No. GC372 Certificate of Malling
The following have been received in the US Patent Office on the date stamped:

Requesting Status of application — Original
Copy of Express Mail receipt
Copy of Transmittal Sheet of the Application

The following have been received in the US Patent Office of Patent Office of Patent Dept on the date stamped:

Requesting Status of application — Original
Copy of Transmittal Sheet of the Application

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U.S. Serial No. 08/876,132 Page 6

EXHIBIT 3

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PETITIONS OFFICE

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UNITED STATE EPARTMENT OF COMMERCE Patent and Tradomark Office

Address COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO/TITLE
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CG372

0242/0905

DEDRA) GLAISTER GENENCOR INTELLERNATION INC 180 KIMPALL WAY SOUTH SAN FRANCISCO CA 94080

NOT ASSIGNED

1802

DATE MAILED:

09/05/97

NOTICE TO FILE MISSING PARTS OF APPLICATION Filing Date Granted

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted ALONG WITH THE PAYMENT OF A SURCHARGE for items. I and

37 CFR 1.16(e). Applicant is given TWO MONTHS FRO any fees required above to avoid abandonment. Extens fee under the provisions of 37 CFR 1.136(a).	OM THE DATE OF THIS NOTICE within which to file all required items and pay sions of time may be obtained by filing a petition accompanied by the extension	•
If all required items on this form are filed within the large entity . I small entity (verified statement file	ne period set above, the total amount owed by applicant as a FAX RECEIVE FAX RECEIVE	ΞD
 1. The statutory basic filing fee Is: missing. insufficient. 	to complete the basic filing fee and/or file a verified small entity TONS OFF	10
Additional claim fees of \$, including any multiple dependent claim fees, are required. im fees or cancel additional claims for which fees are due.	:
 □ 3. The oath or declaration: □ is missing. □ does not cover the newly submitted items. □ does not identify the application to which it □ does not include the city and state or foreig An oath or declaration in compliance with 37 C the above Application Number and Filing Date 	applies. gn country of applicant's residence. CFA 1. 63, including residence information and identifying the application by	1. 4. ≖1. 1.
4. The signature(s) to the oath or declaration is/are missing. by a person other than inventor or person of	e: qualified under 37 CFR 1.42, 1.43, or 7.47. lance with 37 CFR 1.63, identifying the application by the above	
☐ 5. The signature of the following joint inventor(s) is	s missing from the oath or declaration:	·
the above Application Number and Filing Date,		`
☐ 6. A \$ processing fee is require	ed since your check was returned without payment (37 CFR 1.21(m)). ;	
☐ 7. Your filing receipt was mailed in error because y	your check was returned without payment.	
8. The application does not comply with the Sequence See attached *Notice to Comply with Sequence	ence Rules Rules 37 CFR 1.821-1.825."	٠.
9, OTHER:		
Direct the respons and any questions about this not	ice to "Attention: Box Missing Parts."	
A copy f this notice	MUST be returned with the response.	

NO.165 P015

U.S. Serial No. 08/876,132 Page 7

10/11/2001

EXHIBIT 4

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I hereby certify that this correspondence is being deposited with the United Sates Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Date: August 24, 1998

PATENT

Docket No. GC372

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

	TDAN	ISMITTAL LETTED	
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	Fermentation Strains)	+ 000t
For:	Improved Enterobacteriaceae)	FAX RECEIVED
Filed:	June 23, 1997)	D
Serial	No. 08/876,132) Examiner: Unassigned	
Timoth	ny Fowler et al.) Group Art Unit: 1802)	
In re A	application of))	

PETITIONS OFFICE

Box DAC Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

Enclosed please find the following documents:

- Petition to Withdraw the Holding of Abandonment Pursuant to M.P.E.P. Section 711.02(a);
- Request for Corrected Official Filing Receipt;
- Change of Address;
- Preliminary Amendment with three attachments;
- 5. Paper Sequence Listings (4 pages);
- Statement of Sameness;
- Information Disclosure Statement;
- PTO-1449 including eleven references;
- Response to Notice of Missing Parts with appropriate fee; and
- 10. Form 1533.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§

1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to

U.S. Serial No. 08/876,532 Page 2



Deposit Account No. 07-1048 (Docket No. GC372). A triplicate of this paper is enclosed.

Respectfully submitted,

Date: August 24, 1998

Debra J. Glaister

Registration No. 33,888

Genencor International, Inc. 925 Page Mill Road

Palo Alto, CA 94304 Tel: 650-846-7620 Fax: 650-845-6504

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PETITIONS OFFICE



I hereby certify that this correspondence is being deposited with the United Sates Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

14:31

August 24, 1998

Docket No. GC372

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A	pplication of)	
Timoth	y Fowler et al.)	Group Art Unit: 1802
Serial	No. 08/876,132)	Examiner: Unassigned
Filed:	June 23, 1997	. }	. Orlassigned
For:	Improved Enterobacteriaceae Fermentation Strains)	

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT PURSUANT TO M.P.E.P. SECTION 711.02 (a)

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Box DAC Assistant Commissioner for Patents Washington, D.C. 20231

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PETITIONS OFFICE

Sir:

Applicants believe that the above-identified application has been abandoned since December 6, 1997, due to non-response to a Notice to File Missing Parts mailed September 5, 1997. Applicants submit that the Notice to File Missing Parts was not mailed to their current mailing address and therefore, Applicants were unable to respond to the Notice. Accordingly, Applicants Petition to Withdraw the Holding of Abandonment.

The above-identified patent application was filed on June 23, 1997. After a six month period, no other communication on the above-identified application was ever received by Applicants . On January 27, 1998, Applicants submitted a Request for Status of the Application to which a response was never received, see Attachment 1. On May 13, 1998, our Washington Associates, Landon & Stark, inspected the USPTO prosecution file and found the Notice to File Missing Parts mailed September 5, 1997 which had the former business address (180 Kimball Way, South San Francisco, CA

U.S. Serial No. 08/876

Page 2

94080) for Applicants' employer, Genencor International, Inc., see the Notice to File Missing Parts, see Attachment 2. Applicants note that the misaddress of the Notice occurred even though Applicant's correct business address at 925 Page Mill Road, Palo Alto, CA 94034, was apparent on the patent application transmittal letter, see Attachment 3. Applicants submit that because the Notice was misaddressed, they never received the Notice and could not have responded. Therefore, Applicants Petition for a withdrawal of the Notice of Abandonment of the above-identified patent application.

The Commissioner is hereby authorized to charge the fees necessitated by the filing of these documents, or to charge any additional fees under 37 C.F.R. 1.16 and 1.17 or to credit any overpayment, to Deposit Account No. 07-1048. This communication is submitted in triplicate for USPTO accounting purposes.

Respectfully submitted,

Date: August 24, 1998

Genencor International, Inc. 925 Page Mill Road Palo Alto, CA 94304

Tel: 650-846-7620 Fax: 650-845-6504 Debra J. Glaister

Registration No. 33,888

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NO.165 D020

U.S. Serial No. 08/876,132 Page 8

EXHIBIT 5

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In re Application of By Debra J. Glaister
Timothy Fowler et al.
Serial No. 08/676,132
Reg. No. 33,888
Filed June 21, 1997
Mailed August 21, 1998
Docket No. GC372
Certificate of Mailing
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Petition to Withdraw the Holding of Abandonmant
Petition to M.P.E.P. Section 711,02(a) with 3 attachments - 3 copies
Request for Corrected Official Filing Receipt - 3 copies Change of Address - original Response to Notice of Missing Parts - 3 copies Form 1533 Executed Declaration - original Preliminary Amendment - original Paper Sequence Listings (4 pages) - original One diskelle Statement of Sameness - original Information Disclasure Statement - 3 copies PTO-1449 Including eleven references - originals

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Docket No. GC372 Cordificate of Meiling
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U.S. Serial No. 08/876,132 Page 9

EXHIBIT 6

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as First Class Mail in an envelope addressed to Box DAC, Assist	ant Commissione	er for Pa	atents,		
Wachington D.C. 20221 on the data shows below	- 1		n		

PATENT Docket No. GC372

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re A	pplication of)	
Timoth	y Fowler et al.	Group Art Unit: 1802	
Serial	No. 08/876,132)) Examiner: Unassigned	I
Filed:	June 23, 1997))	
For:	Improved Enterobacteriaceae Fermentation Strains)	

TRANSMITTAL LETTER

FAX RECEIVED PETITIONS OFFICE

BOX DAC Assistant Commissioner for Patents Washington, DC 20231

Dear Sir:

Enclosed please find the following documents:

Request to Withdraw the Holding of Abandonment Pursurant to M.P.E.P. 1.

Copies of documents submitted August 24, 1998:

- Petition to Withdrawn the Holding of Abandonment Pursuant to M.P.E.P. 1. Section 711.02(a)
- Request for Corrected Official Filing Receipt; 2.
- Change of Address; 3.
- Preliminary amendment with three attachments; 4.
- Paper Sequence Listings (4 pages) and disk; 5.
- Statement of Sameness; 6.
- Information Disclosure Statement; 7.
- PTO-1449 including eleven references;

8

U.S. Serial No. 08/876,132 Page 2

- 9. Response to Notice of Missing Parts with appropriate fee; and
- 10. Form 1533.

Respectfully submitted,

Date: April 2, 1999

Debra J. Glaister

Registration No. 33,888

Genencor International, Inc.

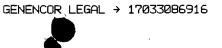
925 Page Mill Road Palo Alto, CA 94304

Tel: 650-846-7620 Fax: 650-845-6504

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PETITIONS OFFICE

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I hereby certify that this correspondence is being deposited with the US Postal Service with sufficient postage as First Class Mall In an envelope addressed to Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231 on the date shown below. Date: ___April 2, 1999

Docket No. GC372

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of		
Timothy Fowler et al.) Group Art Unit: 1802	
Serial No. 08/876,132)) Examiner: Unassigned	
Filed: June 23, 1997		CEIVED
For: Improved Enterobacteriaceae Fermentation Strains)	FAX RECEIVED

REQUEST TO WITHDRAW THE HOLDING OF ABANDONMENT PURSUANT TO M.P.E.P. SECTION 711.03 (c)

PETITIONS OFFICE

Box DAC Assistant Commissioner for Patents Washington, DC 20231

Sir:

Applicants request a withdrawal of the holding of abandonment for failure to file a reply to the Notice to File Missing Parts pursuant to MPEP section.

Applicants never received a Notice to Comply with Missing Parts of an Application which was mailed 9/5/97. Applicants docket records indicate that no Notice was ever received. Applicants mailed a request for status of this patent application on January 27, 1998 and no response from the USPTO was ever received.

On May 13, 1998, Applicants provided Barbara Landon with a Power to Inspect the file and learned that a Notice to Comply with Missing Parts had been mailed by the USPTO on September 5, 1997 to an incorrect address: 180 Kimbal Way South San Fransico, Ca, Applicants former address, even though Applicants current address was on all the patent application filing documents.

Applicants provided a request to withdraw the holding of abandonment along with the Response to the Notice to Comply mailed on August 24, 1998.



U.S. Serial No. 08/876,132 Page 2

Applicants again Request that the holding of abandonment be withdrawn in the instant application and that the Response to file Missing Parts be entered. Copies of all documents previously submitted to the USPTO in the above-identified application are re-submitted herewith.

he Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 07-1048 (Docket No. GC372). A triplicate of this paper is enclosed.

Date: April 2, 1999

Genencor International, Inc. 925 Page Mill Road Palo Alto, CA 94304

Tel: 650-846-7555 Fax: 650-845-6504

Respectfully submitted,

Debra J. Glaister

Registration No. 33,888

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U.S. Serial No. 08/876,132 Page 10

EXHIBIT 7

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PETITIONS OFFICE

In re. application of By Debre L. Clainfer
Throuthy Foreir et al.
Sarial No. 06/876,132 Reg, No. 33,888
Filed Jorne 22, 1957 Medical April 2, 1999
Doctors No. 6C372 Controlled in the LSF Priorit Office on the time statement
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Information Declaration of Sandonshirt - original
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In re Application of thy Debra J. Glasson
Tunothy Fowler et al.
Serial No. 08/679,132
Filed June 22,1337
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Filed June 2,1337
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